

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

LIMELIGHT NETWORKS, INC.,  
Plaintiff,

v.

Civil Action No. 3:15-cv-720-JAG

XO COMMUNICATIONS, LLC  
and AKAMAI TECHNOLOGIES, INC.,  
Defendants.

**ORDER**

This matter comes before the Court on the parties' cross-motions to exclude expert witnesses. (Dk. Nos. 231, 238.)

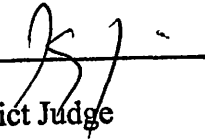
The defendant, Akamai Technologies, Inc. ("Akamai") moves to exclude Limelight's damages expert, Stephen D. Prowse. The Court GRANTS the motion. The plaintiff, Limelight Networks, Inc. ("Limelight") moves to exclude testimony from Akamai's damages expert, Paul Meyer, and two of Akamai's technical experts, Drs. Samrat Bhattacharjee and Nader Mir. The Court GRANTS the motion in part and DENIES the motion in part. The Court GRANTS the motion as to Meyer's opinions on damages. The Court DENIES the motion as to Dr. Bhattacharjee's opinions and Dr. Mir's opinions. The Court also DENIES the motion as to Meyer's opinions regarding the non-obviousness of the '959 and '088 Patents.

At this stage, the Court sees no evidence to establish either damages or a reasonable royalty in this case and therefore sees no triable issue on those matters. The Court DIRECTS the parties, within ten days, to file ten-page simultaneous briefs on whether the parties are still entitled to a jury trial.

It is so ORDERED. An appropriate Opinion will follow.

Let the Clerk send a copy of this Order to all counsel of record.

Date: March 13, 2017  
Richmond, VA

/s/   
John A. Gibney, Jr.  
United States District Judge